

data transfer. Thereafter, the processor calculates the rebate amount and has these funds transferred to the investment. (Page 3, lines 1-21.)”

Hartt is a rebate system in which information about the transaction is used to calculate a rebate that is transferred to an escrow account. No portion of the transaction amount is reallocated from the vendor’s account. This is clear from Figure 1 of Hartt and the accompanying text. Hartt operates in a fundamentally different manner than is recited in the solicited claims.

We respectfully note that the Examiner’s contention that Hartt discloses transferring funds from a vendor account to an escrow account is incorrect. Hartt does not disclose this. Hartt does not specify where the funds for the rebate actually come from, but given that the rebate is based indirectly upon information obtained about the transaction, and is not reallocated from the vendor’s account, it is clear that it does not come from a portion reallocated from the transaction amount transferred from the vendor’s account to a trust account as positively recited in the solicited claims. If anything, Hartt teaches away from this.

The contrast between Hartt and the claimed invention as expressly recited in the claims can be seen from the discussion on page 9 of the instant Specification of one embodiment of the process for reallocating a portion of the transaction amount from the vendor to the trust:

“...Transaction Processing Unit 14 processes the transaction, electronically withdrawing the funds (as in the case of a debit card), or processing the transaction for credit (as in the case of a credit card) or recording the transfer (as in the case of participating electronic cash services. Transaction Processing Unit 14 communicates this information to User Account Manager 11 in a conventional manner.

Thereafter, Transaction Processing Unit 14 sends the entire \$20 sale price to Vendor Institution 9. Transaction Processing Unit 17 may credit Vendor Account 18 for the full \$20, and thereafter debit \$1 for deposit in trust User Account 20 by the means previously described. Or, Transaction Processing Unit 17 may only credit \$19 of the \$20 to Vendor Account 18, and forward the remaining \$1 to Trust Institution 10.

Alternatively, Transaction Processing Unit 14 sends \$19 of the \$20 through Money Transfer System 12 to Vendor Institution 9, and sends \$1 of the \$20 to Trust Institution 10 via Money Transfer System 22. Money Transfer System 22, may, of course, be the same as either Money Transfer System 12 or 15, as previously described. This \$1 deposit is credited to trust User Account 20. The remaining \$19 is credited to Vendor Account 18 by Transaction Processing Unit 17 in Vendor Institution 9.”

Hartt et al fail to disclose any such mechanism for reallocating a portion of the transaction amount from the vendor's account to the trust account. Instead, all Hartt discloses is a processor that receives information about the transaction and uses this information to determine a rebate amount to transfer to an escrow account. The Examiner appears to be adding the Applicant's claimed mechanism to the disclosure of Hartt, but there is no disclosure, teaching, or suggestion of this in the reference. To the contrary, the fact that Hartt indirectly uses latent information about the transaction, instead teaches and suggests that the rebate is NOT reallocated from the vendor's account and instead comes from some other source of funds. Without the hindsight benefit of the Applicant's Specification, there is nothing in the Hartt reference that would lead one of ordinary skill to reallocate funds from the transaction from the vendor account in the manner claimed.

We respectfully request that the Examiner re-read the instant claims and Specification and compare them to what is actually occurring in the Hartt reference, bearing in mind that there must be some motivation, some teaching or suggestion, in the cited references to modify them to achieve the claimed invention. Hartt does not provide this motivation.

The Burke reference is merely duplicative of the previously cited references and does not cure the deficiencies of Hartt or add at all to that reference. As the Examiner admits, the Burke reference fails to disclose electronically distributing at least a portion reallocated from the transaction amount from the user account to the vendor account and electronically distributing the portion reallocated from the transaction amount from the vendor account to the user trust account, and places it in a user investment vehicle for the user.

In Burke, no portion of the transaction amount is used, it is an amount in excess of the transaction amount designated by the user. Also, Burke's system is a philanthropic system; funds are not transferred to a user trust account or investment, only various third party charities. Thus, we respectfully note that, contrary to the Examiner's comments, Burke does NOT otherwise teach or suggest all of the "claimed limitations."

Thus, the claimed process for the re-allocation of funds is simply not disclosed, taught, or suggested in either cited reference – either alone or in combination. Accordingly, we respectfully submit that there is no *prima facie* obviousness and respectfully request that the rejection under 35 U.S.C. 103(a) be withdrawn.

For the reasons set forth above, we respectfully submit that that disposition should be a prompt notice of allowance, which action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, reading "Frank Cona". The signature is written in a cursive, flowing style with a large initial "F" and a distinct "C" for "Cona".

Frank A. Cona
Reg. No. 38,412